

In preparing this supplementary amendment an inadvertent typographical error has been discovered and is corrected hereby. In the first full paragraph appearing on page 3 the abbreviation "ml" is used which is the standard metric system abbreviation for milliliter. As is clear in claims 3, 4 and 5 as originally filed the term was milligrams the abbreviation of which is "mg" was intended. Throughout the application and the prosecution of the application the quantity of ingredients have been expressed in weights rather than in volumes.

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over US PATENT 4,374,174 TO Stricklin et al. Reconsideration of this rejection is hereby solicited.

In the Amendment that was filed by TELEFAX on April 23, 2002 claim 1 was presented as (fourth amendment) in which the upper limit of the range was recited as 2.94%. The argument that was presented with that amendment is repeated here with the following change. The term "ml" has been changed to —milligrams— such that it consistent with the above proposed change to the specification. The claim remains the same as presented in the TELEFAX amendment of April 23, 2002.

Applicant has by this amendment to claim 1 recited that the potassium sorbate of the solution of claim 1 is:

in the range of 0.3% - 2.94% by weight

The range now recited in claim 1 is completely out of the 10-70% range disclosed in the Stricklin et al reference.

Applicant has a basis in the specification for the upper limit 2.94% of this range in the specification as originally filed. In the first full paragraph on page 3 the formula for producing applicant's solution is disclosed. Applicant first produces a concentrated mixture comprised of 269.5 milligrams of water, 0.5 milligrams of sodium nitrate and 270 milligrams of potassium sorbate. This concentrate then totals 540 milligrams. One part of the concentrate is then diluted with 16 parts of water or deionized water to produce applicant's rust preventive solution. Sixteen times the concentrated mixture of 540 milligrams is equal to 8,640 milligrams. When the 540 milligrams of

concentrated is added to the 8,640 milligrams of water or deionized water there is a total solution of 9,180 milligrams. When the 270 milligrams of potassium sorbate is divided by 9,180 milligrams the answer is 0.0294 or 2.94%.

It is noted that this is a greater range than recited in allowed claim 2, however it is submitted that applicant is entitled to claims of different breaths.

Thus, applicant maintains that his invention as now set forth in the claim 1 and 2 are not disclosed or taught in the prior art references. The applicant therefore requests reconsideration and allowance of this application.

Applicant has submitted with this Supplemental Amendment new claim 6 which is a method claim that consisting of the steps or producing applicant's diluted substance. Consideration of this claims is respectfully requested at this time.

Respectfully submitted,

Dated: October 31, 2002

F. David AuBuchon

F. David AuBuchon

Reg. No. 20,493

Attorney for Applicant

BRINKS HOFER GILSON & LIONE

P.O. BOX 10395

Chicago, Illinois 60610

(312) 321-7738

I

APPENDIX A

SERIAL NO. 09/336,612

SORBIC ACID AND/OR ITS DERIVATIVES SUCH AS POTASSIUM SORBATE AS A
PREVENTATIVE FOR RUST, CORROSION AND SCALE ON METAL
Bernard Bendiner

In the specification:

Amend the paragraph beginning on page 3, line 3 as follows:

The formula for producing applicants PS solution rust inhibitor, in a concentrated form, is to mix at the following ratio 269.5 ~~ml~~milligrams of water (49.9%), 0.5 ~~ml~~milligrams of sodium nitrate (0.1%) and 270.0 ~~ml~~milligrams of potassium sorbate (50.0%). This concentrated rust inhibitor will have about a pH 10.2. One part of the concentrate should be diluted with 16 parts of tap water or deionized water to produce applicant's rust preventive water. This diluted rust preventive water will have about a pH of 6.5.

T